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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/683,583	10/09/2003	Larry Bock	40-001210US	7722

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EXAMINER

LUNDGREN, JEFFREY S

ART UNIT	PAPER NUMBER
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1639

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/23/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/683,583	Applicant(s) BOCK ET AL.	
	Examiner Jeff Lundgren	Art Unit 1639	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 December 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8, 9, 16 and 82-92 is/are pending in the application.
- 4a) Of the above claim(s) 3-6 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☒ Claim(s) 1, 2, 8, 9 and 82-92 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of the Claims

Claims 1-6, 8, 9, 16 and 82-92 are pending in the application; claims 3-6 are withdrawn as being drawn to a non-elected species until a generic claim from which they depend is found allowable; claims 1, 2, 8, 9 and 82-92 are the subject of the Office Action below.

Objection to the Abstract Under 37 C.F.R. § 1.72

The objection to the abstract under 37 C.F.R. § 1.72 is withdrawn in view of Applicants' amendment to the Specification.

Withdrawn Claim Rejections - 35 USC § 102

The rejection of claim 1 under 35 U.S.C. § 102(b) as being anticipated by Cui *et al.*, *Science* 293:1289-1292 (2001), is withdrawn in view of Applicants' amendment to the claims.

Withdrawn Claim Rejections - 35 USC § 103

The rejection of claims 1 and 2 under 35 U.S.C. § 103(a) as being unpatentable over Cui *et al.*, *Science* 293:1289-1292 (2001), in view of Bashir *et al.*, U.S. Patent No. 6,716,620, issued April 6, 2004, is withdrawn in view of Applicants' amendment to the claims.

The rejection of claims 1 and 2 under 35 U.S.C. § 103(a) as being unpatentable over Cui *et al.*, *Science* 293:1289-1292 (2001), in view of Lim *et al.*, U.S. Patent Appl. Pub. No. 2003/0102510 A1, is withdrawn in view of Applicants' amendment to the claims.

The rejection of claims 1, 2 and 7, under 35 U.S.C. § 103(a) as being unpatentable over Cui in view of Bashir and/or Lim, as applied to claims 1 and 2 above, and further in view of Zhao *et al.*, 2001, *Nucleic Acids Research* 29(4):955-959 (2001), is withdrawn for the reasons argued by Applicants.

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The rejection of claim 16 under 35 U.S.C. § 103(a) as being unpatentable over Cui *et al.*, *Science* 293:1289-1292 (2001), in view of Brand *et al.*, *Appl Microbiol Biotechnol* 36(2):167-72 (1991), is withdrawn for the reasons argue by Applicants.

Claim Objections

Claims 1, 2, 8, 9 and 82-92, are objected to for the grammatical error "one of more functional group comprising" because the term "group" should be "groups."

Conclusions

No claim is allowable, however, claims 1, 2, 8, 9 and 82-92 would be considered allowable by making the above-mentioned correction.

If Applicants should amend the claims, a complete and responsive reply will clearly identify where support can be found in the disclosure for each amendment. Applicants should point to the page and line numbers of the application corresponding to each amendment, and provide any statements that might help to identify support for the claimed invention (*e.g.*, if the amendment is not supported *in ipsius verbis*, clarification on the record may be helpful). Should Applicants present new claims, Applicants should clearly identify where support can be found in the disclosure.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Jeff Lundgren whose telephone number is 571-272-5541. The Examiner can normally be reached from 7:00 AM to 5:30 PM.

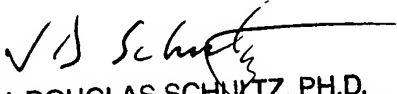
If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, James Schultz, can be reached on 571-272-0763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JSL


J. DOUGLAS SCHULTZ, PH.D.
SUPERVISORY PATENT EXAMINER